

UNITED STATES PATENT AND TRADEMARK OFFICE

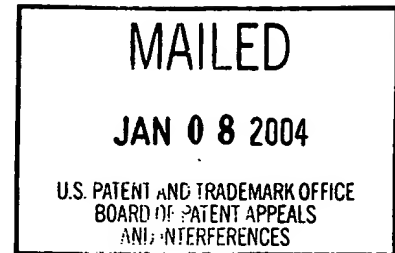
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN H. BURTON and TIMOTHY C. COOK

Application No. 09/477,977

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on Nov. 25, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:



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On May 07, 2003, an Examiner's Answer was mailed (Paper No. 20). A review of the Examiner's Answer reveals that there is no evidence that an appeals conference was conducted by the examiner. According to the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., August 2001, Rev 1, Feb. 2003), the word "Conferees" must appear below the Primary Examiner's signature, followed by the Initials of the conferees. The initials may be either typed or printed. **These two appeal conference participants must place their initials next to their name.** This will make the record clear that an appeal conference has been held. This answer does not conform to the above requirement.

Appellants filed three Information Disclosure Statement (IDS): the first on May 1, 2000 (Paper No. 5), the second on January 14, 2002 (Paper No. 8), and the third on March 12, 2002 (Paper No. 11). Paper No. 8 was considered by the Examiner, however, it appears that Papers 5 and 11 were not considered by the Examiner.

Accordingly, it is

ORDERED that the application is returned to the Examiner for

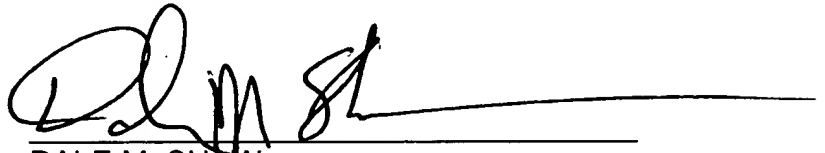
- (a) taking corrective action regarding the appeals conference,
- (b) for proper consideration of Paper Nos. 5 and 11, and
- (c) for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read 'DMS', followed by a long horizontal line extending to the right.

DALE M. SHAW
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